

WORKER'S DISABILITY COMPENSATION ACT OF 1969 (EXCERPT)
Act 317 of 1969

418.223 Mediation of claim; circumstances; scheduling mediation conference; duties of bureau prior to mediation conference; recommendations by mediator; application for hearing; pretrial conference; willful noncompliance.

Sec. 223. (1) A claim, except a claim concerning a petition to stop or reduce the payment of compensation or involving a carrier terminating the payment of benefits which had been voluntarily paid, shall be mediated by the parties pursuant to this section under any of the following circumstances:

- (a) The claim concerns a definite period of time and the employee has returned to work.
- (b) The claim is for medical benefits only.
- (c) If the claimant is not represented by an attorney.
- (d) If the bureau determines that the claim may be settled by mediation.

(2) All other claims shall be mediated pursuant to this section by the parties unless a party refuses in writing to mediate that claim.

(3) The bureau, upon proper notice to all parties, shall schedule a mediation conference for a claim that is to be mediated.

(4) Immediately before the mediation conference is held, the bureau shall review the carrier's response with the employee. The bureau shall also provide to the employee a clear and concise explanation of his or her rights and responsibilities under this act including a reasonable estimate of the maximum amount of benefits to which he or she would be entitled if the claim is approved and the amounts that could be deducted for attorney fees and costs.

(5) If a mediation conference has been held and the claim has not been resolved, the mediator shall recommend 1 of the following:

- (a) If the amount of the claim is for \$2,000.00 or less, that the claim be heard in the small claims division.
- (b) If the amount of the claim is for more than \$2,000.00, that the claim be heard at a hearing held pursuant to section 847.

(6) If a mediation conference has been held regarding a claim and a party files an application for a hearing under section 847, a pretrial conference shall not be held unless specifically requested in writing by a party within 60 days of the completion of the mediation conference.

(7) The willful failure of a party to comply with this section shall prohibit that party from proceeding under this act.

History: Add. 1985, Act 103, Imd. Eff. July 30, 1985.

Compiler's note: For legislative intent as to severability, see Compiler's note to MCL 418.213.

Popular name: Act 317